

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON D. YOUNKER,

Plaintiff,

v.

**OHIO DEPARTMENT OF
REHABILITATION & CORRECTION, et al.,**

Defendants.

Case No. 2:13-cv-746

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court for consideration of the Magistrate Judge's July 21, 2014 Report and Recommendation. (ECF No. 34.) In that filing, the Magistrate Judge explained that Plaintiff had failed to appear for a scheduled conference and had failed to respond to a subsequent show cause order that directed him to explain why the Court should not dismiss his case with prejudice for failure to prosecute. Noting that the show cause order warned Plaintiff that such a failure to respond could result in dismissal, the Magistrate Judge concluded that Plaintiff has evinced bad faith or contumacious conduct and recommended that the Court dismiss this action pursuant to Federal Rule of Civil Procedure 41(b). The Report and Recommendation advised Plaintiff that the failure to object within fourteen days would "result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (*Id.* at Page ID # 217.)

The Court has reviewed the Report and Recommendation. Recognizing that no

objections have been filed, that the time for filing objections has expired, and that the Magistrate Judge's reasoning is correct, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** the action with prejudice pursuant to Rule 41(b) and the inherent authority of this Court. The Clerk shall enter judgment accordingly and terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division. For the reasons set forth above, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE